13th November 1965]

MR. CHAIRMAN : The question is—

"That rule 23 (1) of the Madras Legislative Council Rules be suspended and this House do resolve to transact Government business on Saturday, the 13th November 1965."

The motion was put and carried.

VII.- GOVERNMENT BILLS.

(1) THE MADRAS LAND REVENUE AND WATER-CESS (SURCHARGE) BILL, 1965 (L.A. BILL NO. 30 OF 1965)—*cont.*

THE HON. SRI V. RAMAIAH : Mr. Chairman, Sir, the reason for this particular taxation measure was explained to the House by the Chief Minister himself when he made a statement. Further, on some aspects of this particular measure I have also conveyed to the House the reasons in my opening remarks. Now, the whole of yesterday was taken up by many Members of the House, particularly from the side of the Opposition in conveying their views on this measure. Listening very carefully to the speeches made here, I would like at the very beginning itself to arrange the ideas conveyed by them into two or three distinct groups. One set of views which was headed by Sri Balasubramanya Ayyar and ably followed by Dr. Hande was that the farmer should not be taxed at all under any circumstances The other set of views held by Sri Anbazhagan and others was that they were not against taxation as a whole on the farmer but that this particular measure would have satisfied them if there was some time-limit. A third set of views was headed by Sri O. P. Ramaswamy Reddiar. That view was that this was not the opportune moment. Now I shall deal with each of these three views separately.

Dr. Hande in his speech tried to point out that the farmer had been more or less paralysed after Independence, and that this taxation measure was the last straw on the camel's back. I was trying to understand what happened in the course of the last fifteen years particularly. He specifically pointed out that the farmer had been paralysed, made ineffective and added on to the suffering lot. At the same time, he said, after all these years the Prime Minister borrowed the ideas conveyed or the slogan given by Dr. Hande's leader, Professor N. G. Ranga, "Kisan-ki-jai". Now, if we understand the problem of the kisan or what the word "kisan" means, I think many of our difficulties will be set right. Sri Balasubramanya Ayyar not only talked on this Bill but on the resolution I moved a little earlier before introducing this Bill Even on that resolution he remarked that he was totally against land ceiling measures. So, he would not like it to be brought in and passed because of a provision in the Land Ceiling Act about which he said, "I still hold my view". Here, according to Sri Balasubramanya Ayyar, the term "kisan" does not restrict itself

[Sri V. Ramaiah] [13th November 1965

to anyone who is a small agriculturist. According to Sri Balasubramanya Ayyar, a kisan can be a person who either owns or does not own even a cent of land or he can be an owner of 50,000 acres or even an unlimited extent of land, if I understand him correctly. Also Dr. Hande will not be deviating from that view because he says kisan means a person who can own unlimited extent of land. If he is brought into the category of kisans, I think it is high time that we understood this problem of kisans. I do not like the word " kisan " to be exploited. The Opposition appears to be pleading for a man with practically nothing, but, at the same time, in their dictionary or interpretation a kisan can also be one of the biggest zamindars and biggest owners of land. This has made me think what the view of hon. Members like Sri Anbazagan and others is. I am sure Sri Anbazagan does not interpret the word " kisan " in the same manner as Dr. Hande does. In his statement he says, " I or my party will not be against even an increase in agricultural income-tax ". So as far as he or his party is concerned, kisan means a person who owns five or ten acres or even less. Now, this measure, according to those who opposed it, will retard agricultural progress. The vast majority of the people, according to figures available, 85 or 90 per cent of the people are rural people and most of them are connected with agriculture. How many of them are going to be affected by this measure? Looking into figures available, I find in the whole of Madras State which has a population of nearly four crores, the total number of pattas is round about 60 lakhs. It is not every pattadar who is a big landowner, as Dr. Hande imagines, or who, he feels, has been paralysed. Even taking for granted that each one owns one patta, it means only 60 lakhs of people. What is going to be the fate of the others? Here, I would like to point out that the term " kisan ", according to another view or a powerful view, is a landless labourer also. So since there is no clear domarcation as to who is a kisan and who is not, everybody feels he is talking about the kisan but with his own reservations. Even in Thanjavur, if we find a kisans' organisation coming up, immediately the landed gentry or the land-owning class feel that they are going to be in trouble. There the kisan is not the same person as the man whom Dr. Ranga terms as kisan. Here it is a question of a landless labourer. He is a man who has not even got a small plot for himself to build his hut. If we consider the speech of the Hon. the Chief Minister in terms of the war effort, it is absolutely essential for Government interested in the welfare of the suffering to tackle the problem of giving him a small plot of land to build his hut so that he may call himself the owner of that plot of land. That is one of the measures which we want to put through. Now, even of these 60 lakhs of pattas, what is the position of the owner of these pattas? Is he going to be so terribly affected as to paralyse agriculture altogether? That also I looked into. From the figures available to me, I may divide the land into two categories. The total extent of land under wet cultivation—it may be the first, second or third source of irrigation—in

13th November 1965] [Sri V. Ramaiah]

our State to-day is 88,86,839 acres. The extent of land which completely depends upon the rains, monsoons—dry irrigation tract—is 1,21,45,000 acres and odd. Thr Bill which is before us seeks to increase the land revenue on both—the irrigation cess as well as the basic land revenue. I would like the House to consider how the fears entertained by hon. Members are unwarranted if they understand the position of land revenue as such. I will give a few details, so that we can approach the points correctly.

Name of the district.	Rate of land revenue.	Per acre.	
		Maximum.	Minimum.
(1)	(2)	(3)	(4)
		RS. AS.	RS. AS.
Chingleput	Dry	3 6	0 4
	Wet	10 0	1 8
North Arcot	Dry	3 8	0 3
	Wet	10 12	1 6
South Arcot	Dry	4 00	0 6

In this way, I can give figures for other districts also. The maximum rate as far as dry tract is concerned in Thanjavur district is Rs. 12.50 per acre and the minimum is 25 Paise per acre. Taking the maximum and minimum rates, we should not immediately jump to the conclusion that all the land owners pay the maximum or minimum rate. It varies mostly in the dry areas. There may be lands either marginal or sub-standard and the rates will go down accordingly. For the present in a population of 4 crores of people, there will be 60 lakhs of people holding patta. Each one will be having one patta for himself. Therefore, sixty lakhs of people will hold some land. It may be one acre in Ramanathapuram, 10 acres in Tambaraparam area or 15 acres in Thanjavur. These are people with some properties. Now the emergency is on; now there is a fight. Now there is a question whether India is to survive or not. It is in that context, these people, with some property, should pay tax to safeguard the freedom which we have to-day. What will happen to their property, if India becomes a slave again? These are all things which I would like them to consider. It will not paralyse the agricultural production as such. For a person owning one or two acres, the basic land revenue is Rs. 2. Still I am wondering how an increase of Rs. 2 per acre is going to paralyse the agricultural production. Talking about agricultural labour, I can say that we are going to amalgamate landless and those holding small extents of land, namely, 1 or 2 acres. Well, even according to the land ceiling, a person can own only 30 acres. As such, I would request hon. Members of this House to consider how this taxation is going to paralyse the agricultural production. Dr. Hande said that this was going to be the last straw on the camel's back and also said that more or less people were fleeced ever since Independence. According to his approach, agriculture is paralysed in the last four

or five years. In this connection I would like to point out what happened in the course of the last 15 years. If Dr. Hande's approach has been correct, to-day we must be facing a problem, which (we cannot imagine) should have happened in the course of the last 10 or 15 years, on the food front. I would like to point out a concrete case here. All accepted the view so far as Madras is concerned that Thanjavur is the granary of the South. That position still holds. There has not been much improvement in the Cauvery-Delta region. It may be due to various factors. The people there must have been contented; or how that position came about is a matter to be looked into. But at the same time, if we look into a district like North Arcot, we see that, prior to Independence, it was dry. I should not be mistaken if I say, it was more or less a for taken district—good for nothing district—a district with ever existing famine, a district with ever existing problems. What has happened in the case of this district now? In the First, Ssecond and Third Five-year Plans, the district has improved. Towards the end of the Third Plan, it has been accepted by all that the North Arcot district is next to Thanjavur district, which produces the highest quantity of paddy. How has this taken place even without large surface irrigation arrangements? This stage has come because of the innumerable wells that have been sunk in the course of the Third Plan period. This has taken place not only in one district, but throughout the State. Without hesitation, I can tell Dr. Hande that instead of spending his time in Madras City, he can spend some time in a backward district like North Arcot or South Arcot, so that he can see for himself the transformation that has taken place there.

Another view expressed was that the progress of agriculture will be impeded or there will be a setback. I would like to meet the arguments raised in this connection. I can say that land revenue alone is not going to help or affect agricultural production. I do not think there is any country in the world where a mere adjustment of land revenue assessment has increased or decreased agricultural production. It is high time that every one of us bore in mind that agriculture is not a simple operation, but it is a highly complicated operation where so many factors come into play. It is not mere adjustment of land revenue. If agriculture is to improve, well, there should be a scientific approach. As far as seeds are concerned, available seeds have to be given to the farmers. Yesterday, Sri Balasubramania Ayyar remarked " These people talk of Government farms and improved seeds " and mentioned about a particular seed that has been introduced in Thanjavur now. He referred to ADT 27.

Sir, the hon. the Deputy Leader of the Opposition asked:
4-00 p.m. ' What is going to be the result of introducing these improved seeds, '. He regularly follows what happens in the State at least so far as these matters are concerned. The effect of the introduction of this improved variety ADT 27, he should not ignore as mere propaganda. This was for the first time introduced over a large area in Thanjavur during the last kuruvai season and the crop is now

13th November 1965] [Sri V. Ramaiah]

coming to harvest. I think nearly 5,000 acres were covered with this. The average yield for kuruvai is about 2,400 lb. The minimum increase in yield by the use of these improved seeds, I am sure, will be about 1,000 lb. If the farmer had taken to it according to the directions of the department, I am sure the yield per acre will be about five to six thousand pounds. This will show the importance and value we give to research, particularly on the improvement of the seeds. The same attention is being paid to the side of fighting the pests that affect the crops and to the use of fertilizers. Sir, the hon. Member Sri Ramaswami Reddiar expressed an opinion and this was shared by the hon. the Deputy Leader of the Opposition that we should not merely go in for the chemical fertilizers which did considerable damage to the crops or the lands but that we should also use organic manures. Well, Sir, these things are being carefully studied by the Department and others before their application is recommended. The farmer is not that much ignorant to apply all that he gets. I am sure hon. Members are aware that the demand for these fertilizers has grown considerably. Today we are unable to meet the demands and the requirements of the agriculturists for fertilizers. And it is not also a question of our importing these fertilizers. We have started a number of factories and still we are not able to meet the demands. This is the first time that the farmer himself has realised the value of the application of fertilizers and therefore the demand is going up and up.

Now, Sir, in regard to encouraging the farmer to produce more, I agree much has to be done. Greater facilities as far as finances are concerned, greater facilities as far as communications are concerned, and greater facilities as far as marketing are concerned will have to be studied and steps taken in all these directions. If we compare our farmer with farmers in other countries, for instance Japan, we cannot go near the farmer in Japan in any respect. There the farmer gets what he wants at the time he wants them. These are things which have to be developed here. It is in that direction we will have to move.

Sir, the hon. the Deputy Leader of the Opposition referred to the statement of the Government in the Statement of Objects and Reasons appended to the Bill, namely, that the tax collected under the provisions of the measure would go to the improvement of communications in the villages, to the improvement of the village as a whole—and asked why this tax should be leived, especially now when we are faced with the emergency. Sir, the hon. the Deputy Leader knows the conditions in Thanjavur district very well. If for a village which is far away from the connecting main road, we lay a road to connect it, the farmer is happy because he is enabled thus to market his produce easily. Without this communication facility he was getting much less than the support price that we give him today. Again from last year's experience we found that the farmer was anxious to dispose of his produce for whatever price he could get on account of lack of storage

facilities. Now we propose to provide him with storage facilities. So it is in these ways that we will have to meet the various demands and needs of the farmers. It is with a view to help the farmers in the villages that we thought of this measure in spite of the emergency and said that the revenue realised would go for the improvement of the villages.

Sir, the hon. **Member Sri Thangavel Mudaliar, though** he opposed the measure, seemed to suggest, according to my understanding, that he would be contented, if in the light of this taxation the farmers would be permitted to dispose of their produce at whatever price they wanted. His opposition was thus a qualified one. (Interruption). His position is that the farmer would not mind paying the tax if he is left to sell his produce at any price advantageous to him.

Sir, the hon. Member Sri Anbhazagan referred to the speech of Sri Reddiar and said that he had expressed vehement opposition to the measure. I was wondering what it was that was vehement opposition in the speech of Sri Ramaswami Reddiar. The only expression he used, and which appeared to be vehement was: 'I am not listened to " நான் சொல்வதைக் கேட்கிறதில்லை " He was not against taxation. I can say he was only against the timing of it. He would have been satisfied if it had come after four months. Therefore I could notice no vehement opposition in his speech except this remark. Sir, I may say this, that whenever the hon. Member Sri Ramaswami Reddiar suggests anything, the Government are prepared to consider it. Not only are the Government prepared to consider his suggestions but the suggestions made by all hon. Members of this House. I wish to assure the hon. Member that he need no longer feel that nobody listens to his or others, view.

Then, Sir, he suggested that Government must take immediate steps to put its whole machinery into operation to save the 'Samba crop' in Thanjavur district. He even went to the extent of suggesting that the Government must sink wells at the rate of one well for every five acres to save the Samba crop. Sir, I was wondering how many wells we will have to sink for the 14 lakhs of acres under Samba cultivation. (An hon. Member: 3 lakhs). Well, Sir, it may not be difficult. It may be possible. But Sir, I should like to assure the House and the hon. Member that Government will do all that is required to save the crop in the Cauvery delta. We have already taken steps. Recently we had a discussion with the engineers as well as revenue officials. We have allowed for the first time, as an extraordinary measure, that farmers, in order to save their standing crops, can pump water even from the river. Not only that; we have arranged to put in filter point tube wells with a view to save the standing crop and also as a permanent measure. Special arrangements to regulate whatever water is available will be made. My distinguished colleague sitting

13th November 1965] [Sri V. Ramaiah]

next to me will realise what steps we have taken to save the standing crop in Thanjavur. We have closed the first term irrigation in Lower Bhavani. The indication is we may have to close the second. I have not taken a decision as yet. But the rainfall condition is such and the indications are such that every drop of water available in the reservoirs, which will normally be able to supply Thanjavur delta area, should be used to see that Thanjavur delta does not suffer. We will do our best in the matter. We are not sleeping over the problem. We are very acitve and we are really happy that Sri O. P. Ramaswami Reddiar has pointed out all these. 4-10. p.m.

There is one other point in his speech to which I would like to refer before I sit down. Dr. Muthiah Chettiar expressed views on this Bill not only yesterday but even on a previous occasion. He mentioned the position that prevailed in 1952 and said that his views were not heeded then, and the party in power toppled down like a pack of cards. I need not go into the details. But I would just like to mention here that after 1952, we had two general elections. During the period from 1952 to 1965, the Government did not sit down quiet afraid of meeting the people with taxation measures. I am sure this Hon. House will remember a number of taxation measures that were passed during this period. Sri K. Anbazhagan wanted to know or was anxious to know whether this tax will be given up immediately after the cessation of the present hostilities and the present aggression by Pakistan. Well, the Hon. the Chief Minister in his reply in the other House did mention that the entire land revenue measures would be reviewed after the closure of these hostilities. Sri V. K. Ramaswamy Mudaliar wanted to know whether the agricultural income-tax would be abolished. All these, as the Hon. the Chief Minister mentioned, would be reviewed after the present emergency is over.

SRI K. BALASUBRAMANYA AYYAR : Will the surcharge also be taken into consideration?

THE HON. SRI V. RAMAIAH : Yes, Sir.

THE HON. SRI M. BHAKTAVATSALAM : If the local bodies do not want any cesses, we do not have any objection. If people do not want amenities, we do not have any objection. All these will be reviewed.

THE HON. SRI V. RAMAIAH : With this assurance of the Chief Minister to review the entire land revenue question, I am sure Sri K. Anbazhagan and others will not show that vehement opposition which they did on this occasion.

SRI K. ANBAZHAGAN : Sir, the Hon. Minister in his elaborate reply based his arguments on the word 'kisan'. I was not at all particular about the term that was used. When the emergency is over and when all these taxes are to be again considered by the House as well as by the Cabinet then, is the proper moment

to bring in such a measures? When the Government are going to consider all these taxation measures, is it necessary and do the Government think this as the proper moment to bring in this Bill?

THE HON. SRI V. RAMAIAH : As far as the moment is concerned, it is not only the view of myself alone. Even the Hon. the Chief Minister explained the present emergency and the need for this measure. Therefore, this Bill has been brought forward.

MR. CHAIRMAN : The question is—

'That the Madras Land Revenue and Water-Cess (Surcharge) Bill, 1965 (L. A. Bill No. 30 of 1965), as passed by the Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 17 were put and carried.

Clause 1, the Long Title and the Enacting Formula were put and carried.

THE HON. SRI V. RAMAIAH : Sir, I move—

'That the Madras Land Revenue and Water-Cess (Surcharge) Bill, 1965 (L. A. Bill No. 30 of 1965), as passed by the Assembly, be passed.'

MR. CHAIRMAN : The question is—

'That the Madras Land Revenue and Water-Cess (Surcharge) Bill, 1965 (L. A. Bill No. 30 of 1965), as passed by the Assembly, be passed'.

Those who are in favour of the motion will please say 'Aye'.

Many hon. Members said 'Aye'.

MR. CHAIRMAN : Those against the motion will please say 'no'.

SRI K. ANBAZHAGAN : 'No'.

MR. CHAIRMAN : I see the 'Ayes' have it.

SRI K. ANBAZHAGAN : The 'Noes' have it. I want a division.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, a point of procedure has arisen. May I make a submission? Up till now, in this House no vote has been demanded on a Money Bill. But since this is demanded for the first time, I seek clarification from the Chair with regard to the point of procedure.

Article 198 (5) of the Constitution says—

'If a Money bill passed by the Legislative Assembly and transmitted to the Legislative Council, for its recommendations is not returned to the Legislative Assembly within the said period

13th November 1965] [Sri R. Venkataraman]

of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly.

That is to say that a Money Bill shall not be introduced in the Council and there shall not be any amendment to a Money Bill. The position is that only a recommendation to a Money Bill can be made, and if the Bill is not returned within fourteen days to the Assembly, then it is deemed to be passed by both the Houses in the form in which it was passed by the Legislative Assembly. All this goes to show that the power of the Legislative Council in respect of a Money Bill to reject it or to vote against it is limited.

Then, Sir, I would invite your attention to our Rules of Procedure. Rule 131 says, If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration . . . .

This applies to ordinary Bills. The proviso to rule 131 says—

'Provided that, in the case of a Money Bill, the Council may make only recommendations and the rules of the Council regarding amendments to Bills shall apply with necessary changes to the motion for consideration and adoption of such recommendations.'

Now reading the provision in the Constitution and that in the Council Rules together, it is my submission that the Council can make only recommendations and it cannot reject the Bill. Therefore, a vote on the Bill itself cannot be asked for by the Legislative Council. Not having moved any recommendations to this Bill, the Members of the House cannot ask for the vote and a vote cannot be taken. This is my submission.

MR. CHAIRMAN : The relevant provisions in the Constitution and the Council Rules have been referred to by the Hon. the Leader of the House. I entirely agree with him.

This being a Money Bill, it is open to any hon. Member to make a recommendation. But now at this stage when the motion for the passing of the Bill is made, hon. Members have no right to reject it and call for a division. That is my ruling.

* **திரு. க. அன்பழகன் :** தலைவர் அவர்களே, இங்கே தெரிவிக்கப் 4-20 p.m.
பட்ட இந்த திருத்தங்கள் மீது இந்தக் கருத்தைத் தெரிவிப்பது அவசியம் என்று கருதுகிறேன். அரசியல் சட்டத்திலே உள்ள அந்த விதி முறைப்படி 14 நாட்களுக்குள் சட்டமன்ற மேல் சபையினால் ஏற்கப்பட்டு மசோதா திரும்பி வராவிட்டாலும் கூடச் சட்டசபையினால் அது நிறைவேற்றப்பட்டதாகக் கருதப்படும் என்பது விதி. 14 நாட்களுக்குள் விவாதிக்கப்பட்டு ஏற்றுக் கொள்ளப்படும் முறையில் எல்லாவிதமான நிதி மசோதாக்களும் இங்கே விவாதிக்கப்பட்டு ஓட்டு எடுக்கப்பட்டிருக்கிறது. அப்படி ஓட்டு எடுக்கப்பட்டே நிறைவேற்றப்பட்டது என்பது பொருள் தலைவர் அவர்கள் ஒரு மசோதா நிறைவேறுகிறது என்று சொல்லுவதற்கு வாக்கு கேட்கிற போது வாக்கு எடுப்பதாகத்தான் பொருள்.

உச்சரிப்பின் மூலமாகவோ அல்லது தனித்தனியாக ஒவ்வொருவராக வாக்கு எடுக்கப்பட்டாலும் ஓட்டு எடுக்கப்பட்டுத்தான் நிறைவேற்றப்படுகிறது என்று கருதமுடியும். பார்ஸ்ட் ரீடிங் என்று இந்த மசோதாவின் மீது வாக்கு எடுக்கப்பட்டது. அதன் பிரிவுகள் தனித்தனியாகக் குறிப்பிட்டு வாக்கு எடுக்கப்பட்டது. இப்படி வாக்கு எடுத்தால் தான் நிறைவேற்றப்பட்டது என்பது பொருளாகும். அப்படி மேல் சபையில் நிறைவேற்றப்படாமல் நிதி மசோதா தோற்கடிக்கப்பட்டிருந்தாலும் கூட சட்டசபைக்கு இருக்கிற அதிகாரத்தால் நிறைவேறியதாக கருத்துக்கொள்ள அதற்கு வாய்ப்பு இருக்கிறது. எனவே இந்த 14 நாள் என்னும் காரணம் காட்டியும் நிதி மசோதாவை முறியடித்து விடக் கூடாது என்னும் காரணம் காட்டியும் மன்ற முதல்வர் அவர்கள் மறுப்பு வாக்கு எடுக்கக் கூடாது எனக் கருத்து தெரிவித்திருந்தாலும் இந்த மன்றத்திலே நடைமுறையிலே இருந்து வருகிற முறை, ஓட்டு எடுப்பது. கன்வென்ஷன் ஆகச் செயல் பட்டு வருகிற முறைப்படி மசோதா இங்கே தோற்கடிக்கப்பட்டாலும் சட்டசபைக்கு இருக்கிற அதிகாரம் காரணமாக முதல்வர் கருத்தை ஒட்டி மசோதாவை மறுப்பின்றி ஏற்றுக்கொள்ளவேண்டிய அவசியம் இல்லை என்றே நான் கருதுகிறேன் என்பதைத் தாழ்மையோடு தெரிவிக்கிறேன்.

SRI K. BALASUBRAMANYA AYYAR: As Chairman, you have put the motion to vote. Therefore, we have got every right to vote on it. You have put it to vote. You put to vote the motion for the passing of the Bill. Therefore, we are here to vote on the Bill. Having done that, this question does not arise now. It is my submission so far as the first point is concerned.

As regards the second point, there is a difference between an amendment and a recommendation. If an amendment is passed, necessarily it will have to go to the other House. But when a recommendation is made, that is not necessary. That is all the difference between a recommendation and an amendment. That has nothing to do with this question. Only a Bill is under the consideration of this House. We have discussed it and finally you have also put it to vote. Now you cannot deny us the right to vote.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, it is very unfortunate that this issue has been forced and I am obliged to take the position which is constitutionally correct. In this House during all these years I have been here, no vote has been demanded in respect of a Money Bill and, therefore, it has been accepted and a convention of no vote being taken has been set up.

SRI K. BALASUBRAMANYA AYYAR : It has been put to vote and we have voted.

THE HON. SRI R. VENKATARAMAN : I am only saying "challenged". It has not been challenged. It has been accepted as a convention and it has been passing through. When once, for the first time, a point is raised that the House is entitled to vote on it, it is just the occasion on which I must place my

13th November 1965] [Sri R. Venkataraman]

objections. One cannot say that in the past it has not been done or that the Chair has in the normal course put the motion and, therefore, the right to object does not exist. It is just on this occasion, the very first occasion, on which a challenge is made that the rights and privileges of the House have got to be determined. I am as much a Member of this House as any other hon. Member. But we are all governed by the Constitution and we are interested in the proper observance of the procedure under the Constitution. In the Constitution it has been provided that we have no powers at all to vote on a Money Bill. Article 198 says first that we have no powers to amend. Secondly, it says that we have only a power to make a recommendation. Thirdly, if we make a recommendation, the measure will go to the other House with a recommendation. Then, if it is not brought before the House within fourteen days, it automatically becomes law. All these go to show the limited powers which the Council has in respect of Money Bills. In our rules also, we have provided in rule 131 that the powers of this House in respect of Money Bills should be construed in such a manner as to be in conformity with the Constitution. Now, in the present context when a challenge is made and when a division or a vote is demanded, I wish to point out that having had one occasion and one opportunity, namely, the opportunity to make recommendations and not having availed of that opportunity to make recommendations during the discussion on the Bill, and not having moved recommendations to the Bill at the appropriate time, the House has no authority now to vote on it since, as I have said, the rules of procedure of both the Legislative Council and the Constitution say that this House has no powers. As this arises for the first time, a ruling of the Chair might be given.

SRI K. BALASUBRAMANYA AYYAR : The recommendation contemplated does not go to the principle of the Bill. First we consider the principles of the Bill. Then we have got to say what we feel upon those principles. That has nothing to do with a recommendation. What is the recommendation which we can make? It is only after the various clauses are considered that we can make recommendations.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, instead of moving amendments, they will have to make recommendations to those clauses. That is the position. During the consideration of the clause, no recommendation was moved. If recommendations had been moved, then those recommendations could have been voted upon and accepted or rejected. Not having moved any recommendation at the appropriate time, I say the powers of the House with regard to consideration of the Bill are limited. If there are proceedings in the House of Commons and if the Chair wants, we can sit for another day and I shall bring all the proceedings with regard to this matter. I have no doubt about this matter. I am willing to sit for any number of days and argue out this position.

[13th November 1965

திரு. க. அன்பழகன் : தலைவர் அவர்களே, இதில் அமைச்சர் அவர்கள் சொல்லியதிலிருந்து இரண்டு விளக்கங்கள் மிக இன்றியமையாத தேவையாக இருக்கின்றன. ஒன்று, ஒரு மசோதா கீழ்ச் சபையில் நிறைவேறியிருந்தாலும் அந்த மசோதாவை இந்த மன்றத்திலே கொண்டு வந்து நிறைவேற்றுகிறோம் என்று சொல்லுகிறபோது ஒரு ஓட்டு எடுப்பு நடைபெறுகிறது. அப்படி ஓட்டு எடுக்கப்படும்போது, அதை எதிர்த்தால், அவ்வாறு ஓட்டுத் தருவது முறை அல்ல என்றால், அது எப்படி முறையாக இருக்க முடியும்? ஏற்றுக் கொண்டால் வாக்கெடுப்பு செல்லும், எதிர்த்தால் செல்லாது, என்றால் எப்படி அது சரியானதாகும்? ஒரு மசோதாவை ஒத்துக் கொள்ளாதபோது மட்டும் அது செல்லாது என்று சொல்லுகிற கருத்து எப்படி இந்த மன்றத்தின் மதிப்பை காப்பதாகும் என்று எனக்குத் தெரியவில்லை. திருத்தம் தரலாம். ஆனால் மறுப்பு இங்கே செல்லாது. தீர்மானமாக வேண்டுமானால் அனுப்பி வைக்கலாம் என்று சொல்லப்படுகிறது. ஒரு மசோதாவிலே கருத்திலே மாறுபாடு இருக்குமானால் ரெக்கமெண்டேஷன், தீர்மானம் தரலாம். அந்தத் திருத்தத்தை ஏற்கிறார்களா அல்லவா என்பதும் வேறு. அந்தச் சட்டமே வேண்டாம் என்று நினைக்கக் கூடுமானால், அடியோடு மாறுபடுகிற நிலைமை இருக்குமானால், 'ரிஜக்ட்' பண்ணுவதற்கு இந்த மன்றத்திற்கு உரிமை உண்டா, கிடையாதா என்பது தெரிய வேண்டும். உரிமை இல்லாதபோது இந்த மன்றத்திலே அந்த மசோதாவின் மீது ஓட்டு எடுப்பதிலே என்ன பொருள் இருக்கிறது? முறைப்படி first reading clause by clause அப்புறம் final reading என்ற முறையிலே ஏன் எடுக்கப்படவேண்டும்? வெறும் விவாதத்திற்கு விடப்பட்டிருக்க வேண்டுமே, தவிர ஓட்டு எடுப்பதற்கு இடம் இல்லை. பதினான்கு நாட்களுக்குள் ஒரு மசோதா மேல் சபைக்கு வராமல் இருக்குமானால் நேரடியாக சட்டசபையால் நிறைவேறியதாகக் கருதிக் கொள்ளலாம் என்பதால் இங்கே தோற்கடிக்கப்படினும் தவறாகாது. வாக்கெடுப்பு என்றால் மாறுபாட்டிற்கு இடம் இருக்கவேண்டும். மறுப்பதாலே ஒரு மசோதா தோற்றுவிடுமானால் சட்டசபைக்கு இருக்கிற மேலான அதிகாரத்தைக் கொண்டு எப்படியும் நிறைவேற்றிக் கொள்ளலாம். ஆகையால் இந்த மன்றத்தின் அதிகாரத்தை கட்டுப்படுத்துவது முறையாகாது என்று கருதுகிறேன்.

DR. H. V. HANDE : On the motion brought before the House, the Hon. the Chairman was pleased to ask us : "Those in favour, 4-30 p.m. please say 'Aye' and those against, please say 'no'." When the question is thus put before the House, it is the fundamental right of hon. Members of the House to say 'Aye' or 'No' and our vote, whatever it is, should go on record. The other House may or may not accept our decision. The Hon. the Leader of the House clarified the position and has said that we have no right to say 'no to the motion put before us. We want a definite ruling on this.

THE HON. SRI R. VENKATARAMAN : Sir, the rules relating to all the Money Bills are the same, whether it is the Budget, or the supplementary demands, etc. The supplementary estimates

13th November 1965]   [Sri R. Venkataraman]

are discussed and then there is no vote on it. Even if the House says 'no' to the motion, the Chair will declare that the Bill is passed, because the Chair has to apply the rules according to the provisions in the Constitution. The Constitution does not give any right to negative Money Bills. Tderefore we have followed that procedure. Because nobody has said 'no' and even if hon. Members had said 'no' the Chairman would have declared it as 'aye'. But when hon. Members challenge and say they have a right to vote, then the question has to be decided whether the House has a right to vote or not. Merely because the Chairman has put it to vote, it does not confer a right on the members a right which it not sanctioned by the Constitution. The Chairman can now declare the motion carried notwithstanding the opposition; he can say it is carried because the House has no right to reject it. Merely because the Chair has put it to vote, it does not and connot confer a right higher than the one conferred by the Constitution on the members. The Constitution has provided no right for the Council to reject the Money Bills. The only right that the Constitution has provided is the right to make recommendations and that should be exercised, when the clause by clause consideration of the Bill was taken up. At that time, hon. Members can move a recommendation to the clause saying that instead of 25 per cent, it may be reduced to 15 per cent of even less. That is a recommendation and if it is passed, it will go through the natural course. Once that power of recommendation given to hon. Members under the Constitution has not been exercised by them either to amend the clause or to reject it, and if it is sought to be exercised now at this stage, when they have no power, I am entitled to question the authority of the House to challenge a vote on the motion. The House not having the power to reject a Bill cannot ask for a division on the matter.

DR. H. V. HANDE : Then the Chair should not have put it to vote at all and asked the members to saye 'Aye' or 'no'.

THE HON. SRI R. VENKATARAMAN : The Chair need not. It is a Money Bill. He might say the Bill or the motion is carried. Simply because the Chair put it in the usual course, the House cannot exercise a power which it does not have under the Constitution. That is my submission, Sir.

SRI K. BALASUBRAMANYA AYYAR : With all respect to the Chair and to the Hon. the Leader of the House, I wish to submit this, Sir. The Hon. the Leader of the House said we can move recommendations reducing the rate to 15 per cent. But suppose I do not want anything at all, and I do not even want one per cent. What is the recommendation I can make in that case?

THE HON. SRI R. VENKATARAMAN : Drop it.

SRI K. BALASUBRAMANYA AYYAR : That is what we seek to do.

THE HON. SRI R. VENKATARAMAN : The hon. Member should have moved it at the proper stage.

SRI K. BALASUBRAMANYA AYYAR : There is no question of moving. Once we object to the whole Bill and we do not want any clauses of the Bill, where is the question of moving an amendment or recommendation?

THE HON. SRI R. VENKATARAMAN : The hon. Member could have said, " We do not want any of the clauses ".

SRI K. BALASUBRAMANYA AYYAR : That we cannot say. It is all travesty of words, Sir. Recommendation has something to do with the clauses of the Bill. There can be no recommendation saying that we oppose this clause or that clause, because you have ruled that by means of amendments we cannot say we oppose this clause or that clause. Suppose I table an amendment saying ' I oppose such and such a clause ', you, Sir, won't allow it. There are many rulings of the Chair on that point. If we say that the tax should be reduced from 25 per cent to 15 per cent or ten per cent or five per cent or even one per cent, it may be construed as a recommendation. But to say : " You must recommend that this Bill should not be passed ' has no meaning. The word ' recommendation' will have no meaning then. I can only oppose. That is why I say we have taken this stand.

THE HON. SRI R. VENKATARAMAN : I would request the hon. the Deputy Leader of the Opposition to look at this problem as a jurist. I would like him to take the Constitution and go through article 198. It says : ' After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations . . .' There is no question of opposing it or passing it. That is the Constitutional provision and if the hon. Members do not make any recommendations, they have no power to oppose. (Interruption) It is for the purpose of ascertaining the views. It is important. The country must know the views of hon. Members; and the people must know their views. The Government may be influenced by their views. Even on the Budget you will find, Sir, the views of the Council are heard. It is only for the purpose of expressing their views that it is brought here. According to the Constitution, Money Bills are transmitted to the Council for its recommendations. There is nothing more in this. If hon. Members do not make the recommendation, there is an end of the powers of the Council.

MR. CHAIRMAN : I have heard the views of both the Hon. the Leader of the House and those of the hon. Members. This is rather a ticklish matter. But there is no doubt about it that this is a Money Bill.

13th November 1965]

THE HON. SRI R. VENKATARAMAN : Sir, I referred only to the article relating to the Money Bills. So far as the ordinary Bills are concerned article 197 says : " If after a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council—(a) the Bill is rejected by the Council. . . ' Here the powers of the Council are that it can even reject the Bill. Whereas under article 198 it has no such powers. Article 198 merely says :". . . . it shall be transmitted to the Legislative Council for its recommendations . . . . .' Therefore the difference and distinction between the ordinary Bills and the Money Bills and the powers of the Council in respect of the ordinary Bills and in respect of the Money Bills are clearly defined in the Constitution and that is why I am at paints to point out what the position is. 4-40 p.m.

SRI K. ANBAZHAGAN : Sir, with reference to what the Hon. the Leader of the House said, on the power of this House in regard to Money Bills, I would like to point out that if that was the intention of the Constitution, the motion should not be that ' the Bill be considered and passed '. The motion could very well be that it be discussed by the House and sent to the other House.

* MR. CHAIRMAN : Now, there is no doubt that the Bill before the House is a Money Bill. As the Hon. the Leader of the House pointed out, the procedure for the consideration of the Money Bills is different from that prescribed for the consideration of ordinary Bills. Article 197 refers to ordinary Bills and article 198 refers to Money Bills. It has also been clearly pointed out by the Hon. the Leader of the House how clause (2) of article 198 operates. If any hon. Member or the House wants to give his or its ideas or suggestion, it can be done only by way of recommendations. If the hon. Members had wanted to oppose the Bill, they could have opposed it during the first reading stage itself. Now having allowed the Bill to go through all those stages, we are in the last stage. And at this stage there is a vital difference in the procedure to be adopted in regard to Money Bills and ordinary Bills. As I pointed out earlier, under article 197 the House has the option to reject or do anything with regard to the ordinary Bills. But in this case where the House is dealing with a Money Bill under Article 198, it does not have any such power. That is why they have specifically provided in this Article that if the House has got any difference of opinion, it can express it by way of making recommendations. So a different treatment is prescribed in regard to Money Bills, even though we have to go through the formality of putting it through the House. It has already been pointed out by the Hon. the Leader of the House that in the matter of discussing the supplementary demands, this House has no power of voting. Similarly in the matter of Money Bills, this House has got only a restricted right and that right has been clearly stated in Article 198 and also in Rule 131 of the Council Rules. That being so, the House has no right to challenge and ask for a vote on the motion. That is what I feel, reading all these relevant provisions.

If we had time, we could study this question elaborately, and cite this precedent and that precedent and all that. Having only limited time, I have tried to understand the position dispassionately after taking into consideration the points put forward from both sides of the House. The Rules have been framed in pursuance of the Constitution and the Articles of the Constitution have clearly set out the position in regard to ordinary Bills and Money Bills. The object of the framers of the Constitution is that this House has no power to vote in respect of the Money Bill. Otherwise, why make all this difference? They could have had the same treatment in respect of all Bills instead of having separate treatments, one for the ordinary Bills and another for the Money Bills. So the Money Bills are different from the ordinary Bills and they have to be dealt with differently and at different levels. That is why my ruling on the point raised is that the hon. Members have no right to challenge and ask for a division.

SRI K. ANBAZHAGAN : My submission is this Sir. When there is no resolution before the House to be voted on, it cannot be voted at all. When the Bill is moved, it is only discussion and it cannot be voted. But when the Chairman wishes to take the vote of the House on a motion, naturally then there is the open for members to say 'Aye' or 'no', and that gives the opportunity for hon. Members to challenge and ask for a division. Therefore I would like the Chairman to clear the position. When there is to be no resolution or recommendation to the Bill, there is no necessarily at all to take the vote of the House on the Bill or motion, and I think it will be more proper not to vote at all.

THE HON. SRI R. VENKATARAMAN : I am afraid, Sir, the hon. Member does not appear to know the Constitutional provisions. Now a taxation measure shall be brought forward in the shape of a Bill only. But in regard to the disposal of the Bill, the rights of this House are restricted. The Constitution provides that measures of taxation should be brought forward in the shape of Bills but in dealing with these Bills the rights of the Council are restricted. It cannot only make recommendations. The hon. Member cannot therefore say that no Bill should be brought forward.

SRI K. ANBAZHAGAN : This Bill need not be put to vote.

THE HON. SRI R. VENKATARAMAN : These have to be brought as Bills, and they should be put to vote.

MR. CHAIRMAN : Now, no recommendation has been made by any hon. Member. The only stage remaining now is that the Bill be passed. It will be seen from a reading of Article 198 (5) " if a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council, for its recommendation is not returned to the Legislative Assembly within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly ". That clearly connotes the

13th November 1965] [Mr. Chairman]

idea that the Bill should be passed. Otherwise why should they say so? If it is delayed for fourteen days, then the Bill will be deemed to have been passed. The intention is that the Bill should be passed. Therefore, I do not see any force in the objection.

Now, I will again put the question to the vote of the House. The question is—

'That the Madras Land Revenue and Water-Cess (Surcharge) Bill, 1965 (L.A. Bill No. 30 of 1965), as passed by the Assembly, be passed'.

The motion was put and carried and the Bill was passed.

(2) THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT) BILL, 1965 (L.A. BILL NO. 36 OF 1965).

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I move—

'That the Madras General Sales Tax (Second Amendment) Bill, 1965 (L.A. Bill No. 36 of 1965), as passed by the Assembly, be taken into consideration'.

Hon. Members of the House are aware......(Interruption).

Sir, I want to say that attendance in the Legislature is optional. We must conform to certain conventions. I have explained the principles of the Constitution according to my understanding of them. The Opposition has had its say. After all somebody has to be the judge and the Chair is the judge in this case. By agreement we have said that the Chair should be the final authority whenever points of orders are raised. I raised a point of order and it has been upheld by the Chair and we have to accept it. For otherwise, we shall see, it is not possible to get on.

Now, Sir, coming to the Bill before the House, hon. Members are aware of the steps taken by the Government to augment the resources of the State, as indicated in the Statement on Resources of the State, made by the Hon. the Chief Minister. As mentioned by the Chief Minister, increase in the rates of sales tax is one of the measures proposed by the Government in this regard.

The Government have decided to increase the general rate of multi-point tax, under section 3 (1) of the Act, from 2 per cent to $2\frac{1}{2}$ per cent. Similarly the rate of tax leviable under section 5 (b) of the Act in the case of goods purchased by the dealer registered under the Central Sales Tax Act, after furnishing the declaration in Form 'C' is to be increased from 2 per cent to $2\frac{1}{2}$ per cent. The Government have also decided to increase the rate of tax in the case of goods covered by items 1 to 14 of the First Schedule, from 10 per cent to 11 per cent. The rate of tax in respect of

a Printe d as Appendix V on pages 400–401.